

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

JESSIE RAY WILLIAMS

PETITIONER

v.

2:14CV00079-JM-JJV

UNITED STATES OF AMERICA

RESPONDENT

PROPOSED FINDINGS AND RECOMMENDATIONS

INSTRUCTIONS

The following recommended disposition has been sent to United States District Judge James M. Moody, Jr. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than fourteen days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in a waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a new hearing for this purpose before either the District Judge or Magistrate Judge, you must, at the time you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence to be proffered at the new hearing (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.
3. The details of any testimony desired to be introduced at the new hearing in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial

evidence desired to be introduced at the new hearing.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing. Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

DISPOSITION

I. BACKGROUND

Jessie Ray Williams filed this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) on June 24, 2014. At the time, he was an inmate of the Federal Bureau of Prisons (BOP) in Forrest City, Arkansas. (*Id.*) He pleaded guilty to possession of a firearm by a convicted felon¹ on September 30, 2010. Judgment was entered on February 8, 2011, and Mr. Williams was sentenced to a sixty-months prison term, \$100 special assessment fee, and three-years supervised release. (Doc. No. 8-1 at 13.) On March 7, 2013, the United States District Court in the Western District of Louisiana entered a revised sentencing order allowing Mr. Williams’s federal sentence to run concurrently with his state sentence. (Doc. No. 8-1 at 25.)

Mr. Williams believes the BOP incorrectly calculated his custody credit,² and this Court should grant him credit toward his sentence or “remand the case to the district court.” (Doc. No. 1.) Respondent opposes the Petition stating BOP cannot credit Williams for time he served before the imposition of his federal sentence. (Doc. No. 8.) In other words, Respondent states Mr. Williams may only be given credit for time he served after imposition of his federal sentence on February 3,

¹18 U.S.C. § 922(g)(1).

²Mr. Williams seeks three years and ten months credit (Doc. No. 1), but the Court is unable to determine how he came to this conclusion.

2011. (*Id.*) Respondent further states Mr. Williams was given credit for all time he spent in state custody after February 3, 2011, and he was released four years later. The BOP found an error in the State of Louisiana's computation of Mr. Williams's sentence and awarded him an additional fifty-three days credit. (*Id.*)

Upon inspection of the pleadings, the Court realized Mr. Williams was released by BOP on February 27, 2015. Although the Court believed release mooted Mr. Williams's Petition, the Court offered Williams an opportunity to state whether or not he wished to proceed. (Doc. No. 10) The Order, however, was returned undeliverable. (Doc. No. 11.)

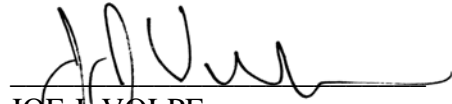
Accordingly, the Court finds the Petition is now moot. It is recommended the Petition be dismissed.

II. CONCLUSION

IT IS, THEREFORE, RECOMMENDED that:

1. The Petition for Writ of Habeas Corpus (Doc. No. 1) be DISMISSED as moot.

DATED this day 30th of March, 2015.


JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE